INDEX

IOWA CONSTITUTION

Article I, Bill of Rights, Section 18 – Eminent Domain.

Manual: Pages 2, 3, 7, 15, 37,38 and 45. Exhibit 19-1.

CODE OF IOWA REFERENCES

Chapter 6A, Eminent Domain Law (Condemnation).

Manual: Pages 2, 8 and 15.

Chapter 6B, Procedure Under Eminent Domain.

Manual: Pages 2, 8 and 15.

§ 6B. 2B Acquisition negotiation statement of rights.

Manual: Page 7.

§ 6B.4 Commission to assess damages.

Manual: Page 7.

§ 6B.4A Review of applications by compensation commission

Manual: Page 7.

§ 6B.7 Commissioners to qualify.

Manual: Page 7.

§ 6B.14 Appraisement report.

Manual: Exhibit 19-12.

§ 6B.18 Notice of appraisement – appeal of award – notice of appeal.

Manual: Page 7.

§ 6B.25 Right to take possession of lands – title.

Manual: Page 7.

§ 6B.26 Dispossession of owner.

Manual: Page 7.

§ 6B.33 Costs and attorney fees.

Manual: Pages 7 and 8.

§ 6B.42 Eminent domain – payment to displaced persons.

Manual: Pages 8, 39, 62 and 65. Exhibit 19-12.

§ 6B.44 Taking property for highway – buildings and fences moved.

Manual: Page 54.

§ 6B.45 Mailing copy of appraisal

Manual: Pages 7, 43 and 74.

§ 6B.54 Federally assisted project and displacing activities – acquisition policies.

Manual: Pages 7, 8 and 50.

§ 6B.55 Buildings, structures and improvements on federally assisted programs

and projects.

Exhibit 19-7.

Chapter 306, Establishment, Alteration and Vacation of Highways.

Manual: Page 50.

§306.19 Right-of-way – access – notice.

Manual: Page 52.

Chapter 314, Administrative Provisions for Highways.

Manual: Page 52.

Preservation of topsoil in highway construction §314.12A

Manual: Page 52.

Environmental protection §314.23

Manual: Page 64.

Chapter 316, Relocation of Persons Displaced By Highways.

Manual: Pages 2, 8 and 65. Exhibit 19-12.

§316.2 Effect on acquisition and condemnation

Manual: Pages 39 and 62. Exhibit 19-12.

Chapter 455B, Jurisdiction of Department of Natural Resources.

Manual: Page 55.

§455B.381 – 399 Hazardous Conditions.

Manual: Page 59.

Chapter 543D, Real Estate Appraisals and Appraisers.

Manual: Page 1 and 13.

IOWA CASE LAW

Aladdin, Inc. v. Black Hawk County, 562 N.W.2d 608 (Iowa 1997).

Manual: Pages 38 and 55.

Batcheller v. Iowa State Highway Commission, 101 N.W.2d 30, 33 (Iowa 1960).

Manual: Page 32. Exhibit 19-7.

Belle v. Iowa State Highway Commission, 126 N.W.2d 311 (Iowa 1964).

Manual: Pages 38 and 47. Exhibits 19-1 and 19-10.

Bellew v. Iowa State Highway Commission, 171 N.W.2d 284, 288-289 (Iowa 1969).

Manual: Pages 25, 39 and 47. Exhibits 19-3 and 19-10.

Blank v. Iowa State Highway Commission, 252 Iowa 1128, 109 N.W.2d 713 (1961).

Page 61. Exhibit 19-3.

Bowser v. Iowa Department of Transportation, 504 N.W.2d 632 (Iowa 1993).

Manual: Page 59. Exhibit 19-7.

Cahill v. Cedar County, Iowa, 367 F. Supp. 39 (N.D. Iowa 1973).

Manual: Pages 39 and 62.

Campbell v. ISHC, 222 Iowa 544, 269 N.W. 20 (1936).

Manual: Page 47. Exhibit 19-10.

City of Des Moines v. Geller Glass & Upholstery, Inc., 319 N.W.2d 239 (Iowa 1982).

Manual: Page 32. Exhibit 19-6.

City of Des Moines v. McCune, 487 N.W.2d 83 (Iowa 1992).

Manual: Page 60. Exhibits 19-6 and 19-8.

City of Des Moines v. Wizer, Inc., 446 N.W.2d 289 (Iowa 1989).

Manual: Pages 60 and 62. Exhibit 19-6.

Crist v. Iowa State Highway Commission, 123 N.W.2d 424 (Iowa 1963).

Manual: Page 64. Exhibit 19-2.

Danamere Farms, Inc. v. Iowa Department of Transportation, 567 N.W.2d 231 (Iowa 1997).

Manual: Page 48. Exhibits 19-1 and 19-11.

DePenning v. Iowa Power & Light Co., 33 N.W.2d 503 (Iowa 1948).

Manual: Page 61. Exhibit 19-4.

Des Moines Wet Wash Laundry v. City of Des Moines, 197 Iowa 1082, 198 N.W. 486, 489 (1924).

Manual: Page 41. Exhibit 19-4.

Dolezal v. City of Cedar Rapids, 209 N.W.2d 84 (Iowa 1973).

Manual: Page 18.

Estelle v. Iowa State Highway Commission, 119 N.W.2d 900 (Iowa 1963).

Manual: Page 64. Exhibit 19-2.

Fanning v. Mapco, Inc., 181 N.W.2d 190 (Iowa 1970).

Manual: Page 61. Exhibit 19-4.

Fritz v. Iowa State Highway Commission, 270 N.W.2d 835 (Iowa 1978).

Manual: Page 23 and 32. Exhibit 19-6.

Grove & Burke, Inc. v. City of Fort Dodge, 469 N.W.2d 703 (Iowa 1991).

Manual: Page 61. Exhibit 19-3.

Hamer v. Iowa State Highway Commission, 98 N.W.2d 746 (Iowa 1959).

Manual: Page 61. Exhibit 19-1.

Hardaway v. City of Des Moines, 166 N.W.2d 578, 580 (Iowa 1969).

Manual: Page 48. Exhibit 19-11.

Harris v. Board of Trustees of Green Bay Levee & Drainage Dist. No. 2, Lee County,

59 N.W.2d 234, 237 (Iowa 1953).

Manual: Pages 25 and 38. Exhibits 19-1 and 19-3.

Hinrichs v. Iowa State Highway Commission, 152 N.W.2d 248 (Iowa 1967).

Manual: Page 61 and 62. Exhibit 19-5.

In Re Primary Rd. No. 141, 255 Iowa 711, 124 N.W.2d 141, 147 (1963).

Manual: Pages 39 and 62. Exhibit 19-10.

Interstate Finance Corporation v. Iowa City, 149 N.W.2d 308 (Iowa 1967).

Manual: Pages 32 and 62. Exhibit 19-7.

Iowa Development Company v. Iowa State Highway Comm., 122 N.W.2d 323 (Iowa 1963).

Manual: Pages 47 and 48. Exhibits 19-10 and 19-11.

<u>Johnson County Broadcasting Corp. v Iowa State Highway Comm</u>, 256 Iowa 1251, 130 N.W.2d 707 (1964).

Manual: Page 60. Exhibit 19-6.

Jones v. Iowa State Highway Commission, 259 Iowa 616, 144 N.W.2d 277, 280 (1966).

Manual: Pages 18, 25 and 48. Exhibits 19-3 and 19-9.

Jordan v. Iowa Department of Transportation, 468 N.W.2d 827 (Iowa 1991).

Manual: Pages 12 and 47. Exhibit 19-9.

Kurth v. Iowa Department of Transportation, 628 N.W.2d 1 (Iowa 2001).

Manual: Page 60. Exhibits 19-5 and 19-6.

Lassie's Red Barn, Inc. v. Iowa Department of Transportation, 428 N.W. 2d 319 (Iowa Ct.

App.1988).

Manual: Page 33. Exhibits 19-6 and 19-6.

Lehigh Clay Products, Ltd. v. Iowa Department of Transportation, 512 N.W.2d 541 (Iowa 1994).

Manual: Page 59. Exhibit 19-8.

Lehman v. Iowa State Highway Commission, 251 Iowa 77, 99 N.W.2d 404 (1959).

Manual: Pages 41 and 62. Exhibits 19-2, 19-4 and 19-4.

Linge v. Iowa State Highway Commission, 260 Iowa 1226, 150 N.W. 2d 642 (1967).

Manual: Page 41. Exhibit 19-2.

Maxwell v. Highway Commission, 223 Iowa 159, 271 N.W. 883 (1937).

Manual: Page 25. Exhibit 19-3.

Martinson v. Iowa State Highway Commission, 134 N.W.2d 340 (Iowa 1965).

Manual: Page 47. Exhibit 19-10.

Moran v. Iowa State Highway Commission, 274 N.W. 59 (Iowa 1937).

Manual: Page 61. Exhibit 19-4.

Nadler v. City of Mason City, 387 N.W.2d 587 (Iowa 1986).

Manual: Page 62. Exhibit 19-2.

Nedrow v. Michigan-Wisconsin Pipeline Co., 61 N.W.2d 687 (Iowa 1953).

Manual: Page 60. Exhibit 19-6.

Nelson v. Iowa State Highway Commission, 253 Iowa 1248, 115 N.W.2d 695 (1962).

Manual: Page 61. Exhibit 19-5.

Nidy and Company v. State, 189 N.W.2d 583 (Iowa 1971).

Manual: Pages 39, 61 and 62. Exhibit 19-12.

Post-Newsweek Cable, Inc. v. Board of Review, 497 N.W.2d 810 (Iowa 1993).

Manual: Page 60. Exhibit 19-5.

Randell v. Iowa State Highway Commission, 241 N.W. 685 (Iowa 1932).

Manual: Pages 25 and 62. Exhibits 19-3 and 19-9.

Redfield v. ISHC, 99 N.W.2d 413 (Iowa 1959).

Manual: Pages 47 and 48. Exhibits 19-10, 19-10 and 19-11.

Redfield v. Iowa State Highway Commission, 110 N.W.2d 397 (Iowa 1961).

Manual: Pages 12 and 47. Exhibits 19-11 and 19-12.

Richardson v. Derry, 284 N.W. 82 (Iowa 1939).

Manual: Page 61. Exhibit 19-4.

Riley v. Iowa City Board of Review, 549 N.W.2d 289 (Iowa 1996).

Manual: Page 47. Exhibit 19-9.

Simkins v. City of Davenport, 232 N.W.2d 561 (Iowa 1975).

Manual: Page 61. Exhibit 19-3.

Socony Vacuum Oil Co. v. State, 170 N.W.2d 378 (Iowa 1969).

Manual: Pages 39, 46 and 48. Exhibits 19-1 and 19-9.

Stortenbecker v. Iowa Power & Light Co., 96 N.W.2d 468 (Iowa 1959).

Manual: Page 61. Exhibit 19-1.

Twin-State Eng. & Chem. Co. v. Iowa State Highway Commission, 197 N.W.2d 575 (Iowa 1972).

Manual: Page 33. Exhibits 19-6 and 19-6.

Warren v. Iowa State Highway Commission, 250 Iowa 473, 93 N.W.2d 60 (1958).

Manual: Page 61. Exhibit 19-5.

Wilkes v. Iowa State Highway Commission, 172 N.W.2d 790 (Iowa 1969).

Manual: Pages 32 and 64. Exhibits 19-2 and 19-7.

Wilson v. Fleming, 239 Iowa 718, 31 N.W.2d 393 (1948).

Manual: Page 49. Exhibits 19-4 and 19-9.

Wilson v. Iowa State Highway Commission, 249 Iowa 994, 90 N.W.2d 161, 169 (1958).

Manual: Page 60 and 61. Exhibits 19-3, 19-3 and 19-6.

Young v. Iowa Department of Transportation, 490 N.W.2d 554 (Iowa 1992).

Manual: Page 58.

IOWA CIVIL JURY INSTRUCTIONS

2500.3	Measure of Recovery.
	Manual: Pages 25, 39 and 42. Exhibits 19-1 and 19-3.
2500.4	Fair and Reasonable Market Value.
	Manual: Pages 12, 38, 47 and 61. Exhibits 19-1 and 19-11.
2500.6	Valuation Factors.
	Manual: Page 39.
2500.7	Comparables.
	Manual: Page 48.
2500.10	Measure of Damages Re: Leasehold.
	Manual: Page 32. Exhibit 19-10.
2500.15	Highest and Best Use – Zoning Classification

Manual: Page 18.

APPRAISAL FORMS

Form 632-052	Record of Contacts (All Appraisals-Include in File) Manual: Page 13. Exhibit 7.
Form 633-101	Appraisal Report (Iowa DOT Logo) Manual: Pages 10, 23, 26, 28, 30, 32, 34, 59, 75 and 76. Exhibit 1.
Form 633-102	Allocation of Just Compensation (Needed for Partial Acquisitions) Manual: Pages 43, 74 and 76. Exhibit 12.
Form 633-204	Certificate of Appraiser Manual: Pages 11, 26, 28, 30 and 34. Exhibit 2.
Form 633-205	Purpose, Definitions, Title, etc. Manual: Pages 11, 26, 28, 30, 34 and 37. Exhibit 3.

Form 633-206	Assumptions and Limiting Conditions Manual: Page 11. Exhibit 4.
Form 633-210	Comparable Sale Data (Rural) Exhibit 8.
Form 633-215	Comparable Sale Data (Urban or Residential) Exhibit 9.
Form 633-301	Supplemental to Appraisal (Minor Revision) Manual: Page 35. Exhibit 10.
Form 633-401	Residential Appraisal Report (Iowa DOT Logo) Manual: Pages 11, 23, 31, 32, 59 and 75. Exhibit 5.
Form 633-501	Review Appraiser's Report Manual: Pages 35 and 75. Exhibit 11.
Form 633-502	Certificate of Review Appraiser Manual: Page 75. Exhibit 13.
Form 633-701	Appraisal of Sign or Billboard (Iowa DOT Logo) Exhibit 6.

Generic Forms for Eminent Domain Appraisals prepared for Local Public Agencies:

Appraisal Report

Manual: Pages 10, 23, 26, 28, 30, 32, 34, 59, 75 and 76. Exhibit 14.

Residential Appraisal Report

Manual: Pages 11, 23, 31, 32, 59 and 75. Exhibit 15.

Appraisal of Sign or Billboard Exhibit 16.

Review Appraiser's Report

Manual: Pages 35 and 77. Exhibit 17.

Certificate of Review Appraiser Manual: Page 78. Exhibit 18